

MINUTES
NEVADA STATE BOARD OF OPTOMETRY
REGULAR MEETING

January 10th, 2003
Amelia's Restaurant & Flightline Bar
655 South Rock Boulevard
Conference Room
Reno, Nevada

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Kurt G. Alleman, O.D., at 10:30 o'clock A.M. on January 10th, 2003, in the Conference Room at Amelia's Restaurant & Flightline Bar, 655 South Rock Boulevard, Reno, Nevada.

Identifying themselves as present were:

Kurt G. Alleman, O.D., Board President
Brad C. Stewart, O.D., Board Member
Jack Sutton, O.D., Board Member
George Bean, Board Member
Judi Kennedy, Executive Director
Tina Leiss, Senior Deputy Attorney General

Also present were:

Mario Aguero, O.D.
Representative of Jeanette Belz, Nevada Ophthalmological Society
Hal Taylor

Dr. Alleman asked for public comment. There was no public comment.

The minutes of the public hearing of the Board on November 8th, 2002, were presented for approval. Dr. Sutton moved the minutes be adopted as drafted. Mr. Bean seconded the motion, which carried unanimously.

The minutes of the regular meeting of the Board held on November 8th, 2002, were presented for approval. Mr. Bean stated the location of the Board's March 7th, 2003, on Page 6 of the minutes should be changed from Reno to Las Vegas. Dr. Sutton moved the minutes be approved as corrected. Mr. Bean seconded the motion. The vote was unanimous.

The Board moved to Agenda Item 4, the Complaint of Ryan Hernandez vs. Mario Aguero, O.D. Dr. Alleman acknowledged Dr. Aguero's presence and thanked him for attending the meeting in response to the issued subpoena. After Dr. Alleman outlined the allegations of the complaint, Dr. Aguero asked to address the Board.

Dr. Aguero began by apologizing to the members for not responding to the complaint and for failing to produce Mr. Hernandez' medical records. Dr. Aguero continued, informing the Board he had had numerous personal problems. He stated he felt the personal problems played a large part in his failure to respond.

Dr. Aguero described for the Board, his treatment of Mr. Hernandez at the time he last visited his office. Dr. Aguero presented a written statement from his employee, Michael Anderson. Dr. Aguero also produced a copy of a refund check that had been sent to Mr. Hernandez, and advised the Board Mr. Hernandez had been furnished copies of his medical records. Dr. Sutton commented Mr. Hernandez, in his complaint, had requested a refund and copies of his medical records, and that he had received both.

There ensued a discussion between the members and Dr. Aguero regarding Mr. Hernandez' condition at the time of his visit, and Dr. Aguero's treatment of Mr. Hernandez.

During the discussion, Dr. Aguero stated he had given Mr. Hernandez a sample of Tobradex for the infection in his eye. Dr. Alleman asked if Dr. Aguero had been certified by the Board

to administer therapeutic drugs. Dr. Aguero responded that he had not. Dr. Alleman asked how Dr. Aguero obtained the drug. Dr. Aguero responded that some ophthalmologist had given it to him. Dr. Stewart stated all his suppliers required verification that he was therapeutically certified. Dr. Sutton asked again if Dr. Aguero had given Tobradex to Mr. Hernandez. Dr. Aguero stated that he had done so. Dr. Stewart asked if Dr. Aguero had required Mr. Hernandez return for a follow-up visit. Dr. Aguero replied that he had. Dr. Stewart pointed out there was no note in the records to that effect. Dr. Aguero responded that would not have been something he would have written in the record.

Dr. Sutton asked if the Board had received any further communication from Mr. Hernandez. Ms. Kennedy replied it had not. Dr. Sutton opined that based on the relief sought in the complaint, the fact that Dr. Aguero had refunded Mr. Hernandez' money and furnished him copies of his medical records, it appeared the complaint should be dismissed based on resolution. Dr. Alleman asked for further comment from the members. Dr. Sutton moved the complaint be dismissed based on resolution. Mr. Bean seconded the motion. The vote was unanimous.

The Board next considered Agenda Item 5, the complaint of Angie Miner vs. Rhett Dadej, O.D. The Board discussed the allegations of Ms. Miner's complaint including, but not limited to her laser surgery, her dissatisfaction with the contact lenses prescribed by Dr. Dadej, her visit to Dr. Somers , her allegations that Dr. Dadej had failed to diagnose the cataracts, and that she had been forced to pay for additional tests. Dr. Stewart pointed out Ms. Miner also wanted the Board to consider whether Dr. Dadej may be in need of further training. After discussion, the Board determined that Dr. Dadej had chosen to treat her with contact lenses, the course of treatment was appropriate, and that a finding that further

training is needed, is not warranted. Dr. Stewart noted Ms. Miner had received the requested refund. Dr. Sutton stated, based on review of the records, the course of treatment had been appropriate, adding the cataracts could have been a contributing factor to the reduced acuity. Mr. Bean moved the complaint be dismissed based on resolution. Dr. Stewart seconded the motion. Dr. Alleman stated, given the particular type of Ms. Miner's cataracts, the progression could have been rapid. There was no further comment. The vote was unanimous.

The Board next reviewed Agenda Item 6, the complaint of Karen Harbour vs. Spencer Quinton, O.D. The Board discussed the allegations of the complaint and the response of Dr. Quinton. Dr. Sutton commented Ms. Harbour's extended exposure on a computer may have contributed to the progressive lenses not working. He added that Dr. Quinton might have looked at other treatment alternatives for Ms. Harbour. After further discussion, the Board noted the relief sought in the complaint was a refund, that the Board has no jurisdiction in money matters, and that Ms. Harbour had received a full refund from Dr. Quinton. Dr. Stewart moved the complaint be dismissed based on lack of jurisdiction. Dr. Sutton seconded the motion. The vote was unanimous.

The Board moved on to Agenda Item 7, the complaint of Misty Richardson vs. Jeffrey D. Ferris, O.D. After reviewing the allegations of the complaint and the response of Dr. Ferris, Ms. Kennedy was directed to request written statements from Drs. Don Nguyen and Rick Winkelman. The Board further directed Ms. Kennedy to request Dr. Ferris obtain a letter from his attorney confirming that his lease with Shopko had been reviewed by counsel. Dr. Stewart moved the matter be continued to the next regular meeting for further consideration. Mr. Bean seconded the motion. The vote was unanimous.

Ms. Kennedy advised the Board she was delivering proposed contracts to the Board's legislative counsel following the meeting.

Ms. Kennedy reported to the Board the balance in the Board's operating account prior to the time deposits for the upcoming license year began. Ms. Kennedy advised the Board of the number of license renewals processed to the date of the meeting.

Dr. Alleman asked for public comment. There was no public comment.

The Board scheduled a meeting for Friday, May 9th, 2003, in Reno, Nevada.

Dr. Stewart moved the meeting adjourn. Mr. Bean seconded the motion. The meeting adjourned at 11:30 o'clock A.M.